

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,) No. 95 CR 508-1
vs.) Chicago, Illinois
LARRY HOOVER,) July 16, 2020
Defendant.) 9:00 a.m.

TRANSCRIPT OF PROCEEDINGS - MOTION
(Via teleconference)
BEFORE THE HONORABLE HARRY D. LEINENWEBER

APPEARANCES:

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MR. GRAYSON SANG WALKER

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1 (Proceedings via teleconference)

2 THE COURT: Okay. Everybody is present who needs to
3 be as far as participants is concerned?

4 MR. MONICO: Yes, Your Honor.

08:57:37 5 THE DEFENDANT: Good morning. Good morning. Larry
6 Hoover here.

7 MR. MONICO: Hi, Mr. Hoover. How are you, sir?

8 THE DEFENDANT: Okay, fine.

9 MR. MONICO: So I guess we're all here.

08:57:54 10 THE COURT: All right. So we're ready to proceed on
11 Mr. Hoover's petition for a resentencing.

12 This is Judge Leinenweber.

13 We sent out a (indiscernible) yesterday to indicate
14 that we are taking the position that I have the authority to
08:58:09 15 resentence him to something less than life. And the issue is
16 whether I should exercise the discretion, basically. I know
17 the government has disagreed and, hence, they're obviously,
18 they're privileged to do so.

19 I'd like to make a few opening comments. As I
08:58:38 20 understand (indiscernible) I presided over the Hoover trial 25
21 years ago. And probably a number of --

22 THE LAW CLERK: Judge, this is Ben. Can you hear me?

23 THE COURT: Yes.

24 THE LAW CLERK: I don't think the court reporter is
08:59:14 25 on yet, so we should wait a little bit until she logs on.

1 THE COURT: All right. Fine.

2 THE COURT REPORTER: I am on.

08:59:22

3 THE COURT: So in any event, I wish to make a few
4 opening remarks about what I think are some of the issues that
5 need to be addressed by both sides in this matter this morning
6 and then give a little background.

08:59:46

7 First of all, as you probably know, I presided over
8 the trial 25 years ago, and probably many of the people who
9 are hearing this were either in grade school or preschool at
10 the time.

11 Twenty-five years ago I sentenced Mr. Hoover to
12 mandatory life, which at the time was not discretionary. The
13 appropriate guidelines changed (indiscernible) which gives us
14 flexibility rather than mandatory life.

09:00:18

15 The question is whether or not I should exercise
16 discretion and reduce his sentence to something less than
17 life. And there is a few matters I'd like to bring up just
18 that I think are pertinent, and I would appreciate comments
19 from the participants.

09:00:36

20 Mr. Hoover has spent approximately 50 years in
21 prison, 25 in state custody and then the final, the last 25
22 under federal custody. Federal took over once he was
23 convicted and sentenced 25 years ago. And that's, therefore,
24 (indiscernible) behind the petition to sentence him, to
25 resentence him at the Colorado supermax facility.

1 One of the questions that has come up, if I
2 resentence him to time served for some other figure less than
3 life, at some point he would end his federal sentence. My
4 understanding is he has substantial time left on his state
09:01:32 5 custody.

6 MR. MOORE: That's true, Judge.

7 THE COURT: What is his out date under state custody?

8 MR. MONICO: Justin, are you there?

9 THE COURT: What?

09:01:51 10 In any event, the practical effect would be, unless
11 the state took efforts to reduce his sentence, custody of the
12 defendant at the supermax, but he would be in... .

13 (interference/feedback)

14 UNIDENTIFIED SPEAKER: Hello?

09:02:21 15 (Interference/feedback)

16 UNIDENTIFIED SPEAKER: Put your phone on mute. Put
17 their phone on mute.

18 THE COURT: Can everybody hear me?

19 MR. MONICO: I can hear you, Judge. But I think
09:02:39 20 other people who are on, if they can put their phone on mute.

21 UNIDENTIFIED SPEAKER: Yes, sir.

22 UNIDENTIFIED SPEAKER: I can't hear nothing.

23 UNIDENTIFIED SPEAKER: Everybody put their phone on
24 mute. Put your phone on mute. Put your phone on mute.

09:02:53 25 THE COURT: The decision to send him to supermax was

1 not mine. It was an executive function. And where he carries
2 out his federal sentence is up to the executive branch of
3 government. I was not privy to the reasons they sent Hoover
4 to (indiscernible), but there existed some reasons which I
09:03:26 5 (indiscernible) the request.

6 First of all, the state penal system was rife with
7 problems. The inmates were allowed much leeway at that
8 particular time. The guards who came from the gang
9 neighborhoods were subject to pressure from gang members on
09:03:44 10 the outside. The administration, the administrators at
11 various times actually used gang members is my understanding
12 to help maintain order in return for certain benefits.

13 The fact is that Hoover, who was, when he was
14 arrested by the Feds, was in state custody and his cell was
09:04:13 15 rife with contraband including shoes. And I can recall that
16 the government called as a witness a shoe store owner, who
17 testified to the value of the shoes that Hoover had, a
18 crocodile pair and an alligator pair, plus he had a huge
19 amount of other contraband.

09:04:41 20 So it would appear that purposes of supermax was so
21 that Mr. Hoover would not be able to run the penal system and
22 benefit from it.

23 Some of the questions I have which I'd like to have
24 responded to, Hoover in his filing indicated that based upon
09:05:11 25 some studies that the gang structure in Chicago is vastly

1 different today than it was 25 years ago. Gangs seem to be
2 smaller, not necessarily less vicious, but smaller in number.
3 And the question is, are state prisons more secure than they
4 were 25 years ago? And are guards, for example, still able to
09:05:40 5 supply contraband to inmates? And basically can the state
6 handle Hoover?

7 So those are some of the questions, whether or not,
8 for example, if I make it possible for him to leave supermax
9 and go to state, he will obviously be under strict penal code,
09:06:06 10 and is that doable?

11 So those are some of my initial observations. I'd
12 just ask maybe Mr. (indiscernible) at first on some of the
13 questions I have, if that would be okay.

14 MR. MONICO: Justin, are you there?

09:06:32 15 MR. MOORE: Yeah, I'm here.

16 MR. MONICO: So I think, I think you are correct,
17 Judge, that he would be, he could be put in state custody.
18 And he's facing a life sentence in state custody. And by now
19 the state is going to be fully aware of who he is. He's 70
09:06:56 20 years old. For the last -- by the way, Judge, one thing we
21 made an error in our reply, we said that he has had a hundred
22 hours of education. He's done a thousand hours of education
23 and doing a hundred different courses.

24 So the point is this, he is certainly at an age when
09:07:17 25 he is no longer a threat. He's no longer at risk of causing

1 any difficulty in prison. For the last 25 years he's been in
2 solitary confinement, where he's by himself for the last 20
3 odd, 24 hours a day -- 23 out of 24 hours in a room that's 12
4 by 17. So he has suffered. He has made the best of his
09:07:46 5 prison sentence by doing a thousand hours of education.

6 And, Justin, are you there?

7 UNIDENTIFIED SPEAKER: Just what he said, that's a
8 lie. He got a thousand hours of education.

9 MR. MONICO: That's what we just said, a thousand
09:08:06 10 hours.

11 THE COURT: That's reasonably impressive. He would
12 be going crazy locked (indiscernible)

13 MR. MONICO: Yeah. And this is a man who was
14 practically dyslexic and unable to read when he entered
09:08:26 15 prison.

16 Justin?

17 MR. MOORE: Judge, may I?

18 MR. MONICO: Go ahead.

19 THE COURT: Go ahead.

09:08:38 20 MR. MOORE: So what you mentioned, Your Honor, is
21 important to note. Mr. Hoover has been behind bars for nearly
22 50 years, in the last 25 years in some form of severe
23 isolation in the most secure prison in the world.

24 And taking your concerns to heart, and I think they
09:08:59 25 are valid concerns, and I think we can rest assured those

1 concerns by setting that (indiscernible) this year was spent a
2 quarter (indiscernible) in isolation, I believe he has been
3 chastened by that.

4 And whatever conduct that led him to be in isolation
09:09:17 5 in that, in those conditions, I would almost guarantee you, I
6 would guarantee you that he would do anything in his power to
7 avoid being sent back to. If he can't be chastened by 25
8 years of isolation, I don't know what can chasten you against
9 violating the rules or whatever position that you might find
09:09:37 10 yourself in.

11 UNIDENTIFIED SPEAKER: Look at this. Come here.

12 MR. MOORE: So I think it's important to acknowledge
13 the severe conditions that he's had to suffer under. And to
14 be quite honest, you know, and I don't want to speculate about
09:09:49 15 Mr. Hoover's mental state, but I do believe if he is released
16 from isolation, he's going to carry the weight (indiscernible)

17 MR. WALKER: Judge, this is Grayson Walker for the
18 United States.

19 Can I respond to your specific questions and also
09:10:06 20 more generally to the motion?

21 UNIDENTIFIED SPEAKER: My bad.

22 THE COURT: Go ahead.

23 MR. WALKER: Judge, thank you. So on your first
24 comment that Hoover has spent approximately 50 years in
09:10:24 25 prison, I would urge you to just look down behind that raw

1 number into the substance of what's happened during that
2 50-year period.

3 So for approximately half (indiscernible) --

4 UNIDENTIFIED SPEAKER: Come here, boy.

09:10:35 5 MR. WALKER: -- from 1974 to 1995, he was running the
6 gang from state prison. So those years that he served in
7 custody are not normal punitive years in custody that the
8 defendant served. He was actively, he was actively committing
9 the crime --

09:11:01 10 UNIDENTIFIED SPEAKER: Hurry up and don't be late.

11 MR. WALKER: Judge, can you ask everyone on the line
12 except counsel to please mute their phones.

13 THE COURT: Go ahead, counsel.

14 MR. WALKER: Thank you, Judge.

09:11:18 15 I'm making the point that Larry Hoover, although he
16 has been in custody for 50 years, was actively committing
17 crimes for approximately half of that time.

18 So (indiscernible) he has potentially been sitting in
19 custody --

09:11:36 20 THE COURT: I would like to make a comment on that
21 comment. I understand that he was --

22 MR. MOORE: Hello. Hello. I got booted off the
23 call. I'm sorry. This is Justin Moore.

24 THE COURT: Can you hear me? Can you hear me?

09:11:50 25 MR. MONICO: Yes, Judge.

1 THE COURT: He was, obviously, it's almost humorous
2 the way that, you know, he was running the gang down to
3 Vandalia people from Chicago, and his nine governors went --

4 UNIDENTIFIED SPEAKER: Hi, ma'am. This is the
09:12:22 5 company PCP (indiscernible)

6 THE COURT: This is not going very well.

7 Anyway, he's able to run it, and my sense is
8 (indiscernible) (overlapping speakers)

9 UNIDENTIFIED SPEAKER: This call may be monitored or
09:12:28 10 recorded for quality. (Indiscernible) in reference to your
11 loan (indiscernible). Are you able to make your payments
12 today?

13 UNIDENTIFIED SPEAKER: Could everyone please put
14 themselves on mute, other than the Judge and the attorney who
09:12:54 15 is speaking right now. Please put yourself on mute.

16 UNIDENTIFIED SPEAKER: Can you hear me?

17 THE COURT: Hello. This is the Judge again. I
18 wanted to make the point that he was able to run --

19 UNIDENTIFIED SPEAKER: Okay. Would you like to set
09:13:03 20 up an arrangement now or --

21 THE COURT: He was able to run the gang from
22 prison --

23 UNIDENTIFIED SPEAKER: I'm sorry?

24 THE COURT: This is not working out very well.
09:13:32 25 Hello?

1 UNIDENTIFIED SPEAKER: I'm sorry?

2 UNIDENTIFIED SPEAKER: Ma'am, could you please put
3 yourself on mute while the Judge and the attorneys are
4 speaking, please.

09:13:41 5 Would others please put themselves on mute while the
6 Judge and the attorneys are speaking, please.

7 UNIDENTIFIED SPEAKER: You are going to have another
8 arrangement for the hardship. Okay. At this time are you
9 working?

09:13:59 10 THE COURT: I am hearing other voices.

11 UNIDENTIFIED SPEAKER: Okay. We can place your
12 account for hardship. Once your account is in hardship,
13 collections will be (indiscernible) --

14 THE LAW CLERK: Judge, can you hear me? This is Ben.

15 UNIDENTIFIED SPEAKER: -- to better understand the
16 current situation and allow the resolution department to
17 customize a repayment --

18 THE LAW CLERK: Judge?

19 THE COURT: Yes.

09:14:26 20 THE LAW CLERK: Melanie is working to figure
21 something out. Can you hold on for a second.

22 THE CLERK: Okay. If everyone other than the Judge
23 and the attorneys, please mute your phones so we can hear
24 (indiscernible) we will have to move forward with only the
25 Judge and the attorneys. So please, please, please, and so we

1 can record an accurate transcription, please
2 (interference/feedback)

3 THE COURT: Hello? Are we back?

4 THE CLERK: Yes, sir.

09:15:21 5 THE COURT: Can you hear me?

6 THE CLERK: Yes, Judge, we can hear you.

7 THE COURT: I said my point, my point was that he was
8 able to do that because of the state correctional system was
9 being run at the time. And my question is, has the state been
09:15:39 10 able to get a hold of their system in a much better way than
11 they did 25 years ago? Because it was in fact, as I said, Mr.
12 Hoover had dollars and contraband in his cell as he had been
13 for presumably years, and he was allowed, and I guess he had
14 conjugal visits while he was incarcerated.

09:16:05 15 So the question is, does the state have a better, you
16 know, a better system now? My guess is that they do, but I'd
17 like to know whether or not the government is --

18 MR. WALKER: Judge, this is Grayson Walker on behalf
19 of the United States. I'd make a few points in response to
09:16:24 20 your question.

21 There is no record evidence here of what the control
22 and security procedures are in IDOC currently and how those
23 compare to the 1974 to 1995 period when Hoover was committing
24 these crimes from IDOC facilities.

09:16:44 25 So at this point, respectfully, it would be pure

09:17:10

1 speculation to make a prediction about what -- whether Hoover
2 returning to IDOC presents a risk of recidivism or not. And
3 for reasons that I'm happy to discuss in more detail, there
4 are strong reasons to leave his sentence in place given its
5 general deterrent value and the need to promote respect for
6 the law.

09:17:27

7 So I would respectfully submit that attempting to
8 assess current conditions in IDOC should not be the
9 determining factor on whether to grant him First Step Act
10 relief.

09:17:46

11 THE COURT: Actually, well, I think certainly it
12 would bear in my mind if I, you know -- and certainly it seems
13 to me that we can find out how the system is being run now.
14 If it's as bad as it was, then that's one thing. If they've
15 straightened it up, that's entirely another thing. So I think
16 the safety of the people, obviously, is one of the hallmarks
17 of the system.

09:18:05

18 So the fact that we don't know doesn't necessarily
19 mean we can't find out. Now, I would be certainly interested
20 in what the situation would be, for example, with respect to
21 state custody, is he going to get one of the (indiscernible)
22 as he did 25 years ago or is he going to be -- so that's a
23 question I'm very interested in an accurate response. Whether
24 it's possible to get an accurate response, I don't know, but I
25 would think people must be studying the --

1 MR. MOORE: Judge, Judge, might I, might I add, I
2 think your, I think your question is important. So are the
3 parameters and is the apparatus of the Illinois Department of
4 Corrections suitable for someone like Mr. Hoover.

09:18:55 5 THE COURT: Right.

6 MR. MOORE: I do believe your question is premised on
7 who Mr. Hoover used to be, not who he is today. I think the
8 past 23 years of isolation, the fact that he's been placed in
9 the most desirable program in that prison, the Stepdown
10 Program, which is designed for inmates that have shown
11 themselves and have availed themselves of all of the programs
12 in that institution --

13 UNIDENTIFIED SPEAKER: B Boy, open the door real
14 quick.

09:19:18 15 THE CLERK: Okay. Everyone, please mute yourselves.

16 MR. MOORE: But with him being in the Stepdown
17 Program, it has actually indicates directly and explicitly
18 that he is prepared to be moved into a prison with lesser
19 restrictions.

09:19:40 20 So even, even if, even if, even if we didn't -- even
21 if we weren't going through this Step First Act process, he
22 would be prepared to be released maybe eventually due to him
23 being in that Stepdown Program.

24 Also, if we're talking about safeguards and
09:19:57 25 preventative measures from him receiving contraband and things

09:20:14

1 that he shouldn't be receiving in state prison, you've got to
2 look at the nature and how -- the nature of his former
3 organization and how it possibly could be constructed today.
4 I mean, all of his friends, people that were close to him,
5 they all reached -- they have all grown in age with
6 (indiscernible)

09:20:31

7 Mr. Hoover is a man that is reaching 70 years old
8 this year. All of his friends are in that age group as well.
9 A lot of them have either aged out of criminal conduct,
10 unfortunately, they have either passed away, or the ones that
11 are still living, they're involved in legal businesses and
12 community development programs.

09:20:47

13 So I think, I think the connection to the community
14 and the connection in which he would receive illegal
15 contraband is almost nonexistent. One is definitely failing
16 -- it fails in stark comparison to how it existed 25, 30 years
17 ago. So I do believe that wouldn't be an issue, especially
18 given the fact that Mr. Hoover has been chastened by
19 isolation.

09:21:04

20 I don't think he would want to go back to those
21 conditions and I don't think he would risk going back into
22 those conditions over a pair of shoes or a conjugal visit.

09:21:20

23 This is a man who hasn't touched his grandchildren,
24 hasn't kissed his granddaughter, hasn't hugged his grandson.
25 He hasn't been able to provide his son or his sons with a warm

1 embrace. He hasn't even been able to kiss his wife.

2 I mean, he just got, he just got legally married to
3 his common law wife earlier this year. He hasn't even been
4 able to provide her a kiss or give her a hug. It was in
09:21:38 5 consummating that process that they've been trying to
6 consummate over the past 50 years.

7 So I think Mr. Hoover is a person that understands
8 where he's at. And I really believe, I truly believe that he
9 does not want to go back to the hell that he's in currently.

09:21:55 10 So, you know, Illinois Department of Corrections
11 notwithstanding, I do believe they have had to have upgraded
12 their facilities and their process and procedure, just as a
13 matter of them having liability for, you know, the people that
14 they have in custody today.

09:22:10 15 But I do believe Mr. Hoover by himself as a matter of
16 self-responsibility is, you know, in the best position
17 possible to govern himself and to ensure that he won't commit
18 the same acts that he committed 25, 30 years ago.

19 THE COURT: Again, I would like some kind of an
09:22:34 20 opinion from a group or whatever to make an assessment of the
21 current --

22 MR. MONICO: Conditions in state court, state prison,
23 Judge? Why don't we, why don't we do this and give us two
24 weeks to report back to Your Honor on this issue.

09:22:56 25 MR. WALKER: Judge, this is Grayson Walker for the

1 United States.

2 I can tell you based on the conversations I've had
3 with IDOC personnel, they do not want Mr. Hoover to return to
4 an IDOC facility. Moving him from ADF Florence to IDOC would
5 just wreak havoc within both BOP and IDOC.
09:23:13

6 And as I said a moment ago, and I would like to be
7 heard on this for a few minutes now, I think there are strong
8 reasons to leave this sentence in place, even if it's possible
9 that he would go back to IDOC custody on strong -- under
10 stronger control than when he was able to commit this crime.
09:23:32

11 There are just few if any defendants in the federal
12 system who are less deserving of a sentence reduction than
13 Larry Hoover. From state prison, where he was already serving
14 a 150 to 200-year sentence for murder, he ran a violent street
15 gang for more than two decades that had more than 10,000
16 members and terrorized entire neighborhoods with drugs and
17 violence. He was the unquestioned leader of that gang and he
18 received a life sentence from this Court.
09:23:52

19 And the government strongly submits that life
20 imprisonment is the only appropriate sentence for a defendant
21 like Larry Hoover, and that's because of the seriousness of
22 his offense conduct, his criminal history, his conduct within
23 BOP custody - and I'd like to respond to a few points counsel
24 made on that score - and the important need to promote respect
25 for the law and general deterrence here.
09:24:10
09:24:29

09:24:50

1 So the reason Larry Hoover was in IDOC custody in the
2 first place is that he ordered a murder of a low-ranking
3 member of the gang, William Young, 19 years old, in 1973
4 because of suspicion that Young was stealing from one of
5 Hoover's stash houses.

09:25:08

6 So he got a 150 to 200-year state sentence, and he
7 didn't reform and he wasn't deterred by that sentence.
8 Instead, from a state prison, he consolidated power and became
9 the unquestioned leader of the Gangster Disciples, an enormous
10 gang which is organized in a strict hierarchy of roles. And
11 Mr. Hoover was at the very top calling the shots. All the
12 power in the gang flowed down from him.

09:25:26

13 The gang was violent, and it made massive profits
14 from drug dealing. By Hoover's own admission in taped
15 conversations, the daily profits from drug dealing were
16 \$300,000, which translate to over \$100 million in drug profits
17 per year. Those are staggering numbers viewed from the
18 standpoint of even a single day or a single year.

09:25:46

19 But Hoover was the leader of this gang for decades.
20 So it's through his drug dealing and his violence that he was
21 directing from state prison, he did more damage to the city of
22 Chicago than perhaps any other person in recent decades. He
23 used teenagers and young men to sell his drugs, and he had
24 them murdered, beaten or otherwise violated if they stepped
25 out of line.

09:26:24

1 He wrecked the lives of those young men and their
2 neighborhoods, and he did it all for his own personal profit
3 and under the scam which the Court heard extensive evidence
4 about at trial, that the GDs were about growth and development
5 rather than their true purpose, which was drug dealing and
6 violence.

09:26:41

7 So Hoover is an expert at manipulating and committing
8 crimes through other people. The risk of recidivism and the
9 need to protect the public from future crimes remain live
10 concerns in this case. And reducing Larry Hoover's sentence
11 is just about the last thing that the city of Chicago or the
12 nation needs right now.

09:26:59

13 And I want to talk about his conduct while in BOP
14 custody. At this point Mr. Hoover has proffered that he's
15 completed approximately 1,000 hours of education over the last
16 20 years. That translates to an annual average of about 50
17 hours or slightly more than one full-time work week per year.
18 So that's what he's offering in the way of rehabilitation.

09:27:22

19 But look at his other conduct while he's been in BOP
20 custody, the violations that are described with supporting
21 documentation in the government's response to his motion.

22 In '97, he threatened to destroy property.

23 I'm sorry, Judge, did you have a question?

24 THE COURT: (Indiscernible) all of those because
25 (indiscernible) the defendants (indiscernible)

1 MR. WALKER: Yes. And the key point on those BOP
2 violations, Judge, is that some of them are quite recent, from
3 2015 and 2017, where he's engaged in unauthorized and coded
4 communication that appear to relate to gang business. And
5 this shows that, at a minimum, Larry Hoover is still a
6 symbolic figure nationally within the world of street gangs.

7 His sentence in this case, the federal case, really
8 matters, and it has the power almost uniquely among federal
9 sentences to send a strong deterrent signal against gang
10 violence.

11 And on the flip side, to reduce his sentence simply
12 because 25 years have passed and he's taken some educational
13 classes in BOP would do serious damage to the rule of law and
14 public safety.

15 Nearly every gang member in Chicago even if they were
16 not born during Larry Hoover's reign knows his name. He's the
17 famous chairman of the Gangster Disciples. And if he gets a
18 break on his federal life sentence, not because the law
19 required that result or because any evidence in the case has
20 changed or because he has a spotless disciplinary record in
21 prison or because he has achieved substantial rehabilitation,
22 but just simply as a matter of judicial lenience and a
23 prediction about whether IDOC can handle him, the lesson to
24 gang members today will be that there is no need to fear
25 federal prosecution or the prospect of a life sentence and

1 that federal punishment for the kinds of crimes that Hoover
2 committed is not definite or not certain, because not even the
3 likes of Larry Hoover, the worst of the worst, ultimately had
4 to serve his federal life sentence.

09:29:46 5 So for all those reasons, Judge, the government
6 respectfully but strongly urges you to deny Mr. Hoover's
7 motion under the First Step Act and leave his sentence in
8 place.

9 THE COURT: Mr. Hoover is required to give a brief
09:30:02 10 rebuttal and then --

11 MR. MOORE: Yes, yes, Judge. Thank you.

12 Some of the most important points that Mr. Walker
13 mentioned deal with this, quote-unquote, gang activity or
14 engaging in gang conduct.

09:30:17 15 I think it's important to note for 16 straight years
16 Mr. Hoover did not receive any infractions from probably the
17 most intense when it comes to zero tolerance --

18 UNIDENTIFIED SPEAKER: Get your argument on.

19 MR. MOORE: That's an important, that's an important
09:30:33 20 hallmark (overlapping speakers) --

21 UNIDENTIFIED SPEAKER: Get your argument on.

22 MR. MOORE: -- for the record. Sixteen years is a
23 substantial amount of time without an infraction.

24 The first infraction after those 15 years came when
09:30:45 25 there was one new guard that came into that institution who

1 from what it seems had great career aspirations. And she came
2 into that institution with the notion that if she is extremely
3 rigid, Machiavellian in her approach, that she would be able
4 to climb the ladder of that institution rapidly.

09:31:07 5 So that's when we started seeing these gang
6 communication infractions, which ultimately amounted into
7 slaps on the wrist, because he never received any good-time
8 credit being taken away from him. So he's maintained all of
9 his good-time credits since 1999, which I believe is a
09:31:23 10 barometer for stating and showing of a person as not being or
11 not adhering to institutional policy, that you can receive an
12 infraction, but you've got to read deeply into the reasons for
13 those infractions and the punishment that's been issued behind
14 them.

09:31:36 15 If you look at those infractions, they state that a
16 mere warning is only necessary to provide to Mr. Hoover in
17 order to ensure that he wouldn't partake in these acts again.
18 And he's never received anything greater than just the notion
19 of those infractions.

09:31:52 20 So let's talk about the gang communications for a
21 bit. And this is why what we placed in our motion, what we
22 state in our motion explicitly, those infractions are
23 frivolous.

24 I sent Mr. Hoover two legal correspondences by mail.
09:32:05 25 And I received them back, and they were, they were, they were

09:32:24

1 notated as gang correspondence. Now, I'm not a gang member.
2 I've never been one. I've never been sworn in as one. I've
3 never aspired to be one. But my correspondence with my client
4 has been labeled a gang correspondence. If that doesn't show
5 the frivolity of how they placed these notions and labels on
6 his communications, I don't know what does.

09:32:42

7 Everything this man says is construed as gang
8 communication. He can't open his mouth without it being
9 labeled as such. He is imprisoned by that label, and I think
10 he knows that. We talk about it all the time, if I'm allowed
11 to get a bit personal. It's really frustrating that he can't
12 speak to his wife, his kids or even his attorney without his
13 (overlapping speakers) --

14 UNIDENTIFIED SPEAKER: I moved over. I'm moving them
15 over.

16 MR. MOORE: Excuse me, please mute your phone if
17 you're not an attorney.

18 UNIDENTIFIED SPEAKER: (Indiscernible) damn, man
19 (indiscernible)

20 UNIDENTIFIED SPEAKER: Put your phone on mute.

09:33:17

21 MR. MOORE: Sorry, Judge, I lost my train of thought.
22 But I think it's important to realize that these gang
23 communications that Mr. Walker is trying to highlight as the
24 reason for Mr. Hoover's, you know, continued efforts of
25 running a gang, I think it's (indiscernible) and you should

1 follow that here based on the points I just provided.

2 Also, it's important to continue hammering home the
3 point that 23 years in severe isolation, that is great -- that
4 is probably the second greatest punishment a person can
5 receive in this country outside of being sentenced to death.
09:33:33

6 And throughout those 25 years, Mr. Hoover never
7 thought he would get out of prison. So the fact that he
8 partook in these great rehabilitative efforts, the fact that
9 he spent a decade and half not racking up any infractions at
09:33:52 10 all, and he wasn't really, he wasn't really provided the
11 impetus to think that if I act like a great inmate I will be
12 released one day, because he never thought he would ever be
13 released. He was doing this because he's actually
14 rehabilitated.

09:34:05 15 This man is 70 years old (indiscernible)
16 (interruption/feedback)

17 MR. MOORE: -- the Parole Board and petition them for
18 an ultimate reprieve, he has the ability to be a model
19 citizen.

20 UNIDENTIFIED SPEAKER: Hello?

21 MR. MOORE: Can you guys, can you guys please mute
22 your phone.

23 THE COURT: Hello. Anyway, I think I got the
24 picture, so we'll take this matter under advisement. I
25 actually would like for each side to file something what their
09:34:43

1 (indiscernible) (overlapping speakers)

2 MR. MONICO: Judge, excuse me. Judge, because of the
3 difficulty of this phone call, possibly if we could have two
4 or three weeks to respond to your questions about whether the
09:35:07 5 Illinois Department of Corrections has improved.

6 UNIDENTIFIED SPEAKER: He running Gangster Disciples
7 where they say he's running -- he didn't deal for life. They
8 got him on trial trying --

9 UNIDENTIFIED SPEAKER: Put your phone on mute, damn.

10 UNIDENTIFIED SPEAKER: Put your phone on mute.

11 UNIDENTIFIED SPEAKER: Mute your phone. Can you all
12 please just mute your phone. Just mute your phone, man.

13 UNIDENTIFIED SPEAKER: We're trying to hear the Court
14 here, not y'all talking.

09:35:30 15 UNIDENTIFIED SPEAKER: They say he ran things, he
16 started --

17 THE COURT: Two weeks each side.

18 UNIDENTIFIED SPEAKER: Mute your phone. Press mute.
19 Press mute.

09:35:47 20 UNIDENTIFIED SPEAKER: Please respect this man and
21 mute y'all phones, please.

22 THE COURT: All right. Shut off your cellphones.
23 All right. Can everybody hear me?

24 MR. MONICO: Yes, Judge.

09:35:56 25 MR. WALKER: Yes, Judge.

1 THE COURT: All right. File a memorandum contesting
2 that -- assume that I am going to sentence (indiscernible) and
3 also to include the reasons, summary reasons why I shouldn't
4 do anything, okay.

09:36:17 5 MR. MONICO: Yes, Your Honor.

6 MR. WALKER: Yes, Your Honor.

7 MR. MONICO: Thank you, Judge.

8 MR. WALKER: Judge, this is Grayson Walker.

9 Before we adjourn today, the U.S. Attorney John
09:36:27 10 Lausch is appearing with me by phone today and would like to
11 briefly address the Court, if that's okay.

12 THE COURT: I've got to listen to him.

13 MR. LAUSCH: Thank you, Your Honor. I would just
14 like to comment very briefly. Mr. Walker, I reiterate all of
09:36:44 15 his points, which were very well stated, and to comment in
16 response to one of the points that was just made.

17 The very reason that Mr. Hoover is in isolation is
18 based upon his present dangerousness and ongoing
19 dangerousness. And it simply makes no sense now to give him a
09:37:01 20 chance to run the Gangster Disciples or any remnants of the
21 Gangster Disciples from the IDOC.

22 It's our sincere belief that it would be a
23 miscarriage of justice to reduce his sentence in any way,
24 shape or form. And we're happy to submit any additional
09:37:17 25 material. And thank you, Your Honor.

1 THE COURT: Thank you all for participating. And I
2 will rule on it at some point in the near future.

3 MR. MONICO: Thank you, Judge.

4 MR. WALKER: Thank you, Judge.

09:37:35

5 (Proceedings concluded)

6 C E R T I F I C A T E

7 I, Jennifer S. Costales, do hereby certify that the
8 foregoing is a complete, true, and accurate transcript to the
9 best of my ability of the proceedings had in the
10 above-entitled case before the Honorable HARRY D. LEINENWEBER,
11 one of the judges of said Court, at Chicago, Illinois, on
12 July 16, 2020.

13

14 /s/ Jennifer Costales, CRR, RMR

15 Official Court Reporter

16 United States District Court

17 Northern District of Illinois

18 Eastern Division

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